

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEPHEN A. KELLOGG,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. C05-5378FDB

ORDER DISMISSING
FRIVOLOUS COMPLAINT
PURSUANT TO 28 U.S.C. §
1915

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold and the remaining record, and no objections having been filed, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is DISMISSED;
- (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count this as a dismissal under **28 U.S.C. § 1915(g)**; and
- (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley Arnold.

DATED this 3rd day of November 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE